

REMARK

Applicant respectfully requests consideration of this application. Claims 21-47 are now presented for examination.

Claim 21

In an Office Action dated March 20, 2001 of the application from which this originated, the Examiner allowed claim 21 (previously claim 1).

Claim 39-41

Independent Claim 39

In an Office Action dated March 20, 2001 of the application from which this originated, the Examiner rejected claim 39, previously claim 18, under 35 U.S.C. §102(e) as being anticipated by Nonoshita, et al. (U.S. Patent No. 5,905,821).

The Applicant respectfully disagrees with the Examiner and maintain that Nonoshita does not disclose each and every element as set forth in claim 39. The Examiner submitted that Nonoshita teaches the encoding of differences between a compressed image data B1 to B4 and the original image data A1 to A16 in the JBIG compression/expansion system shown in Figure 21, and discussed in Column 1, lines 26-33. The Examiner further submitted that the compressed image of Nonoshita is considered the same as the encoded real-time

information as claimed, and that the original data of Nonoshita are considered the same as the previously stored transmit reference information as claimed.

Nonoshita, however, does not teach a general encoding of differences, and certainly does not disclose several ways for encoding differences. With respect to the specific portion of Nonoshita that the Examiner refers to (column 1, lines 26-33), Nonoshita specifically teaches encoding of differences between compressed image data and original image data, which necessarily requires that image data be compressed first, and which necessarily implies that encoding is based upon compressed data. Furthermore, in column 7, lines 39-40, Nonoshita teaches that the compressing process and the encoding process are synchronously executed.

In the Applicant's invention of claim 39, however, compressed data is based upon encoded information, rather than encoding based upon compressed data, or synchronous compressing and encoding as Nonoshita teaches. As such, Nonoshita **teaches away** from the Applicant's invention of claim 39, which requires compressed data to be based upon encoded information.

For at least these reasons, the Applicant respectfully requests that claim 39 be allowed.

Dependent Claims 40-41

Since these claims depend, directly or indirectly, from independent claim 39, and therefore inherit the limitations of that claim, as well as add further limitations, and since it is believed that the previous rejections to independent

claim 39 have been overcome, the Applicant respectfully requests that claims 40 and 41 be allowed.

Claims 22-28, 31, and 35-38

In an Office Action dated March 20, 2001 of the application from which this is based, the Examiner rejected claims 22-28, 31, and 35 (previous claims 2-8, 11, and 15) under 35 U.S.C. §103(a) as being unpatentable over Nonoshita, et al. (U.S. Patent No. 5,905,821) and in further view of Barberis, et al. (U.S. Patent No. 4,320,500).

Independent Claims 22, 24, and 35

Each of these independent claims requires "producing compressed data based upon the current transmit reference and the encoded real-time information". As the Applicant has submitted above, Nonoshita does not teach or disclose compressing data based upon encoded information.

Furthermore, Barberis does not teach or suggest compressing data based upon encoded information. Barberis teaches the transmission of data in a packet switching network from a receiving buffer to transmitting buffers that are selected according to routing data established by an updating circuit that algebraically combines incremental delays with respective path delays to obtain total delays assigned to message transmission.

Since neither Nonoshita nor Barberis teaches or discloses, at the least, "compressing data based up encoded information", they cannot singly or in

combination be the basis for a §103(a) rejection or claims 22, 24, or 35 as cited by the Examiner. The Applicant, therefore, respectfully requests that claims 22, 24, and 35 be allowed.

Dependent Claims 23, 25-28, 31, and 34

Since these claims depend, directly or indirectly, from independent claims 22 and 24, and therefore inherit the limitations of those claims, as well as add further limitations, and since it is believed that the previous rejections to independent claims 22 and 24 have been overcome, the Applicant respectfully requests that these claims be allowed.

Dependent Claims 32, 33, and 36

In an Office Action dated March 20, 2001 of the application from which this is based, the Examiner rejected claims 32, 33, and 36 (previous claims 12, 13, and 16) under 35 U.S.C. §103(a) as being unpatentable over Nonoshita, et al. (U.S. Patent No. 5,905,821) and Barberis, et al. (U.S. Patent No. 4,320,500), and further in view of Jeong (U.S. Patent No. 5,497,153).

Jeong does not teach or suggest compressing data based upon encoded information. Jeong teaches compression by utilizing an optimized scanning pattern for variable-length-coding and variable-length-decoding of block data. Since Nonoshita and Barberis do not singly or in combination teach or suggest compressing data based upon encoded information, and since Jeong does not teach or suggest compressing data based upon encoded information, these

references cannot be combined to form the Applicant's invention of claims 32, 33, and 36.

Furthermore, since these claims depend, directly or indirectly, from independent claims 24 and 35, and therefore inherit the limitations of those claims, as well as add further limitations, and since it is believed that the previous rejections to independent claims 24 and 35 have been overcome, the Applicant respectfully requests that these claims be allowed.

Dependent Claims 29, 30, and 37

In an Office Action dated March 20, 2001 of the application from which this is based, the Examiner rejected claims 29, 30, and 37 (previous claims 9, 10, and 17) under 35 U.S.C. §103(a) as being unpatentable over Nonoshita, et al. (U.S. Patent No. 5,905,821) and Barberis, et al. (U.S. Patent No. 4,320,500), and further in view of Khalil (U.S. Patent No. 5,343,465).

Khalil does not teach or suggest compressing data based upon encoded information. Khalil teaches a method for measuring and analyzing the burstiness of network traffic based on the ratio of packet interarrival times. Since Nonoshita and Barberis do not singly or in combination teach or suggest compressing data based upon encoded information, and since Khalil does not teach or suggest compressing data based upon encoded information, these references cannot be combined to form the Applicant's invention of claims 29, 30, and 37.

Furthermore, since these claims depend, directly or indirectly, from independent claims 24 and 35, and therefore inherit the limitations of those claims, as well as add further limitations, and since it is believed that the previous rejections to independent claims 24 and 35 have been overcome, the Applicant respectfully requests that claims 29, 30, and 37 be allowed.

Dependent Claim 38

Since this claim depends, directly or indirectly, from independent claim 35, and therefore inherits the limitations of claim 35, as well as add further limitations, and since it is believed that the previous rejection to independent claim 35 has been overcome, the Applicant respectfully requests that this claim be allowed.

Claims 42-47

Each of independent claims 42, 44, and 46 at the least requires that the output buffers be "dynamically created" and that they be created and/or configured in accordance with "characteristics of a data communications channel of the network".

Each of the dependent claims 43, 45, and 47 add further limitations. Specifically, claims 42 and 44 additionally require that the data that is encoded by finding the difference between the data and a transmit reference be compressed prior to storing the differential data in one of the output buffers; and

claim 46 requires that encoding be produced by determining the difference between the data and a transmit reference.

Since none of these limitations is taught or suggested by Nonoshita, Barberis, Jeong, or Khalil, singly or in combination, the Applicant respectfully requests that claims 42-47 be allowed.

Conclusion

Applicant respectfully submits that the Amendment contains claims which would not have been properly finally rejected on the grounds and art of record in a next Office Action as at least one of the claims presents new issues requiring further consideration or search. Furthermore, it is believed that the Applicant has shown that the art of record does not anticipate or make obvious the Applicant's invention as claimed herein. Accordingly, Applicant respectfully requests that the claims be allowed.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

The Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be

necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.


Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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Libby N. Ho
Reg. No. 46,774

12400 Wilshire Boulevard
7th Floor
Los Angeles, California 90025-1026
(303) 740-1980